

# **FISCAL NOTE**

## **HB 2954 - SB 3170**

March 13, 2000

**SUMMARY OF BILL:** Mandates that juveniles 15 years of age and older, *charged* with first degree murder, attempted first degree murder, second degree murder, attempted second degree murder, aggravated rape, especially aggravated robbery, aggravated robbery, especially aggravated kidnapping, and aggravated kidnapping be tried as an adult without any review by juvenile court. Creates a judicial diversion program and authorizes the juvenile judge to suspend prosecution and place certain offenders in community-based programs. After the judicial diversion period is successfully completed, the juvenile's record would be expunged. Provides for citation procedures for law enforcement officers to use for children committing status offenses.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$13,186,100/Incarceration\***

**\$4,264,000/Community-based services**

**Increase Local Govt. Expenditures\* - \$2,904,700**

**Exceeds \$1,000,000 Long Term**

**Other Fiscal Impact - Increase Federal Expenditures - \$780,000**

Estimated state cost assumes the following:

- Additional 170 juveniles tried as adults in criminal court
- All but one of the offenses listed require serving 85% of the sentence and as Class A felonies, the minimum sentence is 17 years.
- Additional incarceration cost for juveniles sentenced as adults to Department of Correction
- Contracted services through Department of Children's Services for 1000 children for noncustodial and targeted case management in community-based programs. Federal funds are available for a portion of these costs.

Estimated local government cost assumes the following:

- Increased length of time for pre-trial incarceration of juveniles transferred to criminal court
- Additional cost to local education agencies to provide education to juveniles incarcerated for longer periods of time prior to trial as adults

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- Additional long term cost to provide additional specialized space for the housing and education of juveniles in pre-trial detention in local jails

*\*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director